

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re:

Jacalyn S. Nosek
Debtor

Chapter 13
Case No.: 02-46025-JBR

Jacalyn S. Nosek
Plaintiff

Adv. Pro. No. 07-04109-JBR
(Related Adv. Pro. No. 04-04517-JBR)

v.

Ameriquest Mortgage Company
Defendant

Denise M. Pappalardo and
Carolyn A. Bankowski,
Trustee Defendants

Plaintiff's Affidavit In Support of Motion for Approval of Trustee Process

I, Jacalyn S. Nosek, Plaintiff in the above entitled matter, say of my own knowledge, in support of this motion that:

1. This is a civil action for recovery upon an award entered by this Court in Adv. Pro. No. 04-04517-JBR.
2. Upon information and belief, there is presently monies or credits due said defendant in the hands and possession of the trustees, Denise M. Pappalardo and Carolyn A. Bankowski.
3. On March 6, 2007, in Adv. Pro. No. 04-04517-JBR, the Bankruptcy Court issued its *Decision on Remand*, wherein it awarded me \$250,000 in emotional distress damages

and punitive damages of \$500,000.00 under Section 105(a).

4. On June 27, 2007, the U.S. District Court, in cases CA 07-40112-WGY and CA 07-40114-WGY, AFFIRMED this Court's *Decision on Remand*.
5. As of this date, this Court has not yet determined an award of my attorneys fees and costs to which I am entitled to recover under 11 U.S.C. § 105(a), or the amount of pre-judgment interest, and no Execution has been issued.
6. On July 19, 2007, Ameriquest Mortgage Company filed Notices of Appeal with the U.S. District Court in cases CA 07-40112-WGY and CA 07-40114-WGY.
7. As of this date, I am without security for the judgment in the amount of \$750,000.00 which has been awarded by this Court, and AFFIRMED by the U.S. District Court.
8. For the period through June 14, 2006, Plaintiff's counsel fees came to \$86,215.00, plus the costs of \$2,395.80, for the prosecution of the first adversary proceeding against Ameriquest.
9. My attorney has separately tracked his time and costs incurred in matters devoted to the first appeal, the remand, and the second appeal by Ameriquest to the U.S. District Court. According to the monthly statement I receive, the total amount of attorney Stone's fees and costs through July 31, 2007 now total \$141,509.84 for matters concerning Ameriquest since July, 2004.
10. I am informed that I am also entitled to the award of pre-judgment interest pursuant to 28 U.S.C. 1961.
11. Based upon all of the circumstances described above, I have a meritorious cause of action and there is a reasonable likelihood that a judgment will be recovered in the

amount of \$1,000,000.00.

12. I certify that I know of no liability insurance available to satisfy any judgment recovered.

Signed under the Penalties of Perjury this 12 day of Sept. 2007.

Jacalyn S. Nosek
Jacalyn S. Nosek

COMMONWEALTH OF MASSACHUSETTS
WORCESTER, ss.

On this 12th day of September, 2007 before me, the undersigned notary public, personally appeared Jacalyn S. Nosek proved to me through satisfactory evidence of identification, which was a Massachusetts drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

Philip M. Stone

Philip M. Stone
Notary Public
My commission expires: March 14, 2014

